

RECEIVED
CENTRAL FAX CENTER

004/005

MAY 16 2005

N THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS:	Jay M. Eppink, Brent E. Phillips and James W. Estep	§	ART UNIT: 3672
SERIAL NO.:	10/676,858	§	EXAMINER:
FILED:	October 1, 2003	§	Frank Tsay
FOR:	Method and Apparatus for Removing Cuttings from a Deviated Wellbore	§	CONFIRMATION NO.: 7643

RESPONSE TO RESTRICTION REQUIREMENT
DATED MARCH 16, 2005

Atty. Dkt. No.: 1391-28401
 Clt. Ref. No.: 2001-IP-005320
 Date: May 16, 2005

Mail Stop Amendment
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

Sir:

In response to the *Office Action* dated March 16, 2005 issued with respect to the above-identified application, Applicants respectfully elect the species identified by the Examiner as Species (7), corresponding to Figures 49-51. Applicants submit that each of claims 1-27 and claims 58-75 are readable on the elected species. Applicants make this election without traverse.

The *Office Action* indicates that currently, no claim is considered generic. Applicants respectfully request that at least the independent claims 1, 7 and 58 be recognized as generic claims linking various species claims.

According to MPEP Section 806.04(d), a generic claim can not be defined with precision, but a generic claim should read on each of the Figures depicting the various species, and should include no material element additional to those recited in the species claims. Applicants submit that the broadly drafted independent claims 1, 7 and 58 each read on the Figures identified by the Examiner as corresponding to Species (1) through (7), which depict various embodiments of an apparatus for

Appln. No. 10/676,858
Amtd. Dated May 16, 2005
Reply to Office Action of Mar. 16, 2005

removing cuttings from a deviated well bore, and component parts thereof. In addition, because these claims 1, 7 and 58 are independent, they necessarily include no material element additional to those recited in the species claims. Accordingly, Applicants respectfully request that at least claims 1, 7 and 58 be recognized as generic claims. Pursuant to MPEP 806(d):

Once a claim that is determined to be generic is allowed, all of the claims drawn to species in addition to the elected species which include all the limitations of the generic claim will ordinarily be obviously allowable in view of the allowance of the generic claim, since the additional species will depend thereon or otherwise include all of the limitations thereof.

Therefore, if any or all of the independent claims 1, 7 and 58 are recognized as generic and found to be allowable, the species claims that depend therefrom will likewise be allowable. Accordingly, Applicant reserves the right to seek rejoinder of one or more of the claims associated with the non-elected Species (1) through (6) if one or more of the independent claims 1, 7 and 58 are recognized as generic and found to be allowable.

Respectfully submitted,



DAVID A. ROSE
Reg. No. 26,223
CONLEY ROSE, P.C.
P. O. Box 3267
Houston, Texas 77253-3267
(713) 238-8000

ATTORNEY/AGENT FOR APPLICANT